

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of  
CenterPoint Energy, d/b/a Minnegasco,  
for Authority to Increase Natural Gas  
Rates in Minnesota

**PREHEARING ORDER**

This matter came on for prehearing conference before Administrative Law Judge Richard C. Luis on September 17, 2004, at 9:30 a.m. at the Large Hearing Room of the Minnesota Public Utilities Commission ("Commission").

Eric F. Swanson, Attorney at Law, Winthrop & Weinstine, 225 South Sixth Street, Minneapolis, MN 55402 and Brenda A. Bjorklund, Director, Law Division of Centerpoint Energy Minnegasco, 800 LaSalle Avenue Minneapolis, MN 55402 appeared on behalf of Centerpoint Energy Minnegasco (Minnegasco).

Ronald M. Giteck, Assistant Attorney General, 445 Minnesota Street, Suite 900, Saint Paul, MN 55101, appeared on behalf of the Office of Attorney General-Residential Utility Division (OAG).

Ginny Zeller, Assistant Attorney General, 445 Minnesota Street, Suite 900, Saint Paul, MN 55101, appeared on behalf of the Minnesota Department of Commerce (Department).

James M. Strommen and Bryan D. Shirley, Attorneys at Law, Kennedy & Graven, 470 US Bank Plaza, 200 South Sixth Street, Minneapolis, MN 55402 appeared on behalf of the Suburban Rate Authority (SRA).

Based on the discussions during the prehearing conference, and all of the files and proceedings, the Administrative Law Judge makes the following:

**ORDER**

1. The parties to this matter as named in the Commission's Notice and Order for Hearing of September 7, 2004 ("Order for Hearing"), are CenterPoint Energy Minnegasco ("Minnegasco") and the Minnesota Department of Commerce ("Department"). In addition, the Minnesota Office of the Attorney General, Residential and Small Business Utilities Division ("OAG") petitioned to intervene as of right. Subsequently, the Suburban Rate Authority ("SRA") petitioned to

intervene. Those Petitions are GRANTED and OAG and SRA are admitted as parties to this proceeding.

2. The final date for filing Petitions to Intervene is October 25, 2004. Any persons petitioning to intervene after that date may be restricted as to the scope of their participation.
3. Any person admitted to this proceeding as an intervenor after the date of this Order shall be bound by the terms of this Order.

## **SCHEDULE**

4. The following schedule is adopted:

Minnegasco Supplemental Direct Testimony on Service Quality and Issues Identified in the Commission's Order	October 18, 2004
Other Parties' Direct Testimony	November 23, 2004
Rebuttal Testimony (all parties)	December 29, 2004
Surrebuttal Testimony (all parties)	January 20, 2005
Evidentiary Hearings (including hearing on any pretrial motions)	Commencing January 25, 2005
Initial Briefs	Four weeks after hearing transcript available
Reply Briefs and Proposed Findings	Two weeks after initial brief deadline

5. Public hearings will be held on or after December 1, 2004. Commission staff will work with Minnegasco, intervenors, and the Office of Administrative Hearings to determine exact dates and locations of the hearings no later than October 6, 2004 to allow Minnegasco sufficient time to provide all necessary notices.
6. The second prehearing conference will be held on January 17, 2005, at 9:30 a.m. in the Small Hearing Room of the Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota 55101. The prehearing conference will address preliminary matters in advance of the evidentiary hearing.

## SETTLEMENT

7. Pursuant to Minn. Stat. §216B.16, subd. 1(a), the Administrative Law Judge is required to convene a proceeding for the purposes of discussing settlement of issues in a public utility rate proceeding. During the Prehearing Conference, the Administrative Law Judge encouraged the parties to exhaust opportunities for a settlement of issues. Recognizing that the potential for settlement cannot be evaluated until after additional testimony has been filed, the parties are directed to inform the Administrative Law Judge as to whether an additional proceeding should be convened to discuss settlement. The parties are informed that other settlement mechanisms, including mediation, are available through the Office of Administrative Hearings.

## PROCEDURE

8. The Rules of the Office of Administrative Hearings govern the conduct of the hearings and the Professionalism Aspirations adopted by the Minnesota Supreme Court will be observed.

## FILING OF DOCUMENTS

9. Prefiled testimony and exhibits may be in any reasonable format that is understandable, logically organized, and capable of being cited by page and line number, paragraph number, or similar identifier.
10. All documents filed, including prefiled testimony, **but excluding information requests and responses**, shall be filed as follows:
  - a. Prior to the issuance of the Report of the Administrative Law Judge, the original document and one copy shall be delivered or mailed to:

Administrative Law Judge Richard C. Luis  
Office of Administrative Hearings  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138
  - b. After the Administrative Law Judge's Report is issued, the parties shall file the original of all documents with the Executive Secretary of the Commission.
  - c. Copies of all documents shall be served on the persons listed on the attached service list, in the number indicated. An electronic copy, where possible, shall also be sent by email to persons whose email address is provided on the service list. The list will be revised as necessary by the Office of Administrative Hearings. Parties may designate multiple recipients of documents sent by email. Service shall be made according to the most current service list provided to the parties by the Office of Administrative Hearings.

- d. Pursuant to Minn. R. 1400.5100, subp. 9, and Minn. R. 7829.0400, subp. 1, the effective date of filing shall be the date the document is mailed to the Office of Administrative Hearings or delivered to the Executive Secretary of the Commission. Filings to the Administrative Law Judge may be accomplished by email, sent to [Richard.Luis@state.mn.us](mailto:Richard.Luis@state.mn.us), or facsimile transmission, facsimile number 612-349-2665. Any filing sent by email or facsimile transmission will be followed by a hard copy.
  - e. Proof of service shall be filed with each filed document or within three business days thereafter.
11. One copy of any document or information filed with or supplied to the Commission or the Commission staff shall be served upon every party.

## **DISCOVERY**

12. All requests for information shall be made in writing, or electronically followed by writing, to the person from whom the information is sought, with a copy of the request mailed to all parties of record. No such request shall be provided to the Administrative Law Judge. The party responding to the information request shall provide the information requested to the requesting party within eight business days after receipt of the request, unless the requesting party agrees to provide additional time. There shall be a continuing obligation to update and supplement information responses. The information need not be supplied as a matter of course to all other parties unless specifically requested by a party. Information requests or responses received after 4:00 p.m. on business days or on weekends or State holidays shall be considered to be received on the following business day, except that any U.S. Mail received during business hours shall be considered to be received on the same day.
13. In the event the information cannot be supplied within the eight business days, the responding party shall notify the requesting party within four business days of the reasons for not being able to supply the information and to work out a schedule of compliance with the requesting party. All disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party. Notice of such a motion should be made by email if possible and may be made be heard by telephone conference among the Administrative Law Judge and affected parties.
14. Parties asked to provide "Confidential Information" may require the requesting party to comply with the terms of the Protective Agreement and Order in this matter.
15. Further discovery may be had in accordance with Minn. R. 1400.6700 - 1400.6900 insofar as those provisions do not alter the special process for this proceeding established by this Order.

## **PREFILED TESTIMONY AND ORDER OF TESTIMONY**

16. Prefiled testimony shall be marked and received as exhibits. Prefiled testimony that is amended or that is not offered into the record shall be considered withdrawn and the sponsoring witness may not be cross-examined concerning the withdrawn testimony. Except for cause shown, all substantive revisions or corrections to any prefiled testimony shall be made in writing and served upon the Administrative Law Judge and the parties by email no later than three days before the evidentiary hearing starts.
17. Except for good cause shown, any new affirmative matter that is not offered in reply to another party's direct or rebuttal evidence shall not be offered in rebuttal or surrebuttal testimony and exhibits.
18. Unless the parties agree otherwise, the order of testimony and questioning in the evidentiary hearings shall be: Minnegasco, OAG, SRA, other intervenors (in order of intervention) and the Department.

## **EXAMINATION OF WITNESSES**

19. Witnesses shall be allowed ten minutes to summarize their prefiled testimony.
20. Parties shall examine and cross-examine witnesses through their attorneys, if they are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through any one representative chosen by the party.
21. Except for good cause shown, objections by any party relating to the qualifications of a witness or the admissibility of any portion of a witness's prefiled testimony shall be considered waived unless the objecting party states by motion its objection with particularity to the Administrative Law Judge and serves a copy of such objections on the Commission and all other parties according to the schedule set forth above. If an objection is made by a party, the party shall be permitted to lay further foundation for the objection through cross-examination of the witness. Any prefiled testimony that is not objected to shall be admitted during the evidentiary hearings without the necessity of laying foundation for the testimony.

This Order is effective immediately. Any modification to this Order will be made by the Administrative Law Judge, for cause.

Dated this 1st day of October.

/s/ Richard C. Luis  
RICHARD C. LUIS  
Administrative Law Judge